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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,676	10/24/2000	Alan J. Ruud	RU-134US	4587

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EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,676

Applicant(s)

RUUD ET AL.

Examiner

Anabel M Ton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowman et al (4,219,868).

3. Bowman discloses the housing has top and bottom walls and sidewalls there between (fig 3), together forming a substantially enclosed space, the bottom wall defining a socket window (fig 7), the power-related components each being secured with respect to the housing within the enclosed space (fig 8); and the socket being secured with respect to the housing and positioned substantially within the enclosed space (figs 8 and 1), the socket is positioned with its lamp-receiving end substantially aligned vertically and horizontally with the socket window (fig 8), the power-related Components include at least a ballast and a capacitor (12), the bottom wall includes a plurality of downward projections around the socket window; and a reflector is secured to the housing by attachment at the downward projections (fig 3 and 1) the bottom wall is formed of sheet metal and the projections are stampings therein (fig 4);

- The housing has enclosure-forming members consisting essentially of: a top member forming the top wall and downwardly-extending sidewall portions; and a bottom member in fitted engagement with the top member and forming the

- bottom wall and upwardly-extending sidewall portions which, together with the downwardly-extending sidewall portions, complete the sidewalls (fig 4);
- The downwardly extending sidewall portions of the top member include two opposed end walls each (27,50,51,fig 4) extending downwardly from the top wall and terminating in an end flange engaging and fastened to the bottom member;
  - The end flanges of the opposed end walls engage and are fastened to the bottom wall (fig 8,12);
  - The top member includes a central top-wall portion having opposite edges and a pair of lateral top-wall portions below and on opposite sides of the central top-wall portion, each having an inner and an outer edge; and the downwardly-extending sidewall portions of the top member include a pair of opposed upper sidewall portions each extending downwardly from one of the opposite edges of the central top-wall portion to the inner edge of one of the lateral top-wall portions (17);
  - The overhead industrial light fixture of claim 9 wherein each of the lateral top-wall portions has a side flange at its outer edge, the side flange and outer edge engaging the upwardly-extending sidewall portions of the bottom member (FIG 8)
  - The downwardly extending sidewall portions of the top member include two opposed end walls each extending downwardly from the top wall and terminating in an end flange engaging and fastened to the bottom member (fig 8);
  - The end flanges of the opposed end walls engage and are fastened to the bottom wall (fig 8)

13. The overhead industrial light fixture of claim 6 wherein: the top member is formed of sheet metal bent to form the junctures between the top wall and sidewall portions thereof; and • the bottom member is formed of sheet metal bent to form the junctures between the bottom wall and sidewall portions thereof.

***Allowable Subject Matter***

4. Claims 14-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not recite the following:

- The top wall having inner and outer surfaces and a center region defining a pair of adjacent hanger-member apertures there through; and a hanger member formed of a series of portions including (a) a base portion secured to the inner surface adjacent to a chosen one of the apertures, (b) a through portion extending through the chosen hanger-member aperture, an offsetting portion extending from the through portion laterally along the outer surface and (d) an offset portion extending from the offsetting portion and forming an upper support end, whereby the hanger member may be mounted with its offset portion at whichever one of four positions is closest to the center of gravity of the fixture as determined by the particular choice of components within the housing;

- A fastener securing the base portion of the hanger member to the inner surface of the top wall;
- The top wall has a pair of fastener apertures there through having the hanger member apertures there between; and the fastener extends through one of the apertures into threaded engagement with the base portion of the hanger member;
- The adjacent hanger-member apertures are substantially parallel slots; and the series of hanger-member portions is a series of flat portions;
- The hanger member comprises a flat plate having a series of substantially right-angle bends therein to form the flat portions;
- A fastener securing the base portion of the hanger member to the inner surface of the top wall;
- The top wall has a pair of fastener apertures there through having the hanger member apertures there between; and the fastener extends through one of the apertures into threaded engagement with the base portion of the hanger member;
- A junction box secured to the housing in position adjacent to the center region, the junction box having a second pair of adjacent hanger-member apertures there through, the second pair of hanger-member apertures being positioned and arranged to provide at least three positions for mounting the hanger member;

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- The adjacent hanger-member apertures of each pair of hanger-member apertures are substantially parallel slots; and the series of hanger-member portions is a series of flat portions;
- The hanger member comprises a flat plate having a series of substantially right-angle bends therein to form the flat portions;
- The top wall having a center region one of the sidewalls joining the center region of the top wall at a common edge and forming a spaced pair of hook-hold openings along the common edge, each hook-hold opening terminating upwardly in a pivot edge; a junction box secured to the housing in position adjacent to the center region, the junction box having a pair of hooks each projecting into one of the hook-hold openings and upwardly around the pivot edge thereof, whereby the fixture can safely hang on the junction box hooks during installation or service without being fully secured to the junction box;
- The junction box has first and second edges; the hooks project from the junction box along the first edge thereof; and a tab projects downwardly from the second edge of the junction box, the tab forming an inverted J-shaped fastener-engaging slot for engagement with the housing;
- The sidewall joining the center region of the top wall has an inwardly-bent first tongue portion forming each of the hook-hold openings, such first tongue portion extending toward the top wall at an acute angle with respect thereto;
- The center region of the top wall has a downwardly-bent second tongue portion adjacent to each of the first tongue portions, the first and second tongue portions

of each pair of tongue portions having distal edges adjacent to one another, thereby each pair of first and second tongue portions defines a protected wire passageway along the common edge.

***Response to Arguments***

6. In response to applicant's argument that Bowman et al is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, applicant argues that Bowman does not disclose nor teach of a housing that has a socket positioned substantially within the enclosed space, nor that there is any suggestion that the ballast housing encloses the socket. Examiner does not agree for the following reasons: figure 8 of Bowman clearly shows a housing enclosing a socket being secured (76) with respect to the housing and positioned substantially within the enclosed space (it is indeed positioned within an enclosed space of the housing). With regards to the ballast being enclosed within an enclosed space, although applicant asserts that Bowman teaches away from what is claimed, Examiner would like to direct applicants attention to column 3, lines 9-12 which clearly states that a ballast does exist inside the housing, although it is not shown in the drawings. Examiner suggests that applicant specify as to what type of socket (in the claims) is being enclosed within the housing, as opposed to claiming simply a socket. Examiner suggests claiming a "lamp socket" or "lamp mounting socket" as recited in the



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specification so as to clearly distinguish what type of socket is being used over the prior art cited.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a lamp mounting socket) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

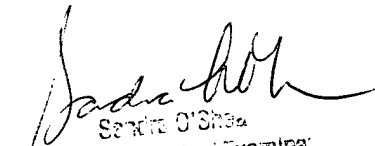
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT  
May 29, 2002

  
Sandra O'Shea  
Supervisory Patent Examiner  
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